REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated September 21, 2006, has been received and its contents carefully reviewed.

Claims 1-19 are pending in the application. With this response, claim 1 is amended. No new matter has been added.

In the Office Action, claims 1, 6, 9-11 and 15-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,888,608 B2 issued to Miyazaki et al. (hereinafter "Miyazaki"). Claims 2-5, 7, 8, and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazaki.

As an initial matter, Applicants note that the Examiner has made the current Office Action final despite the fact that the Office Action was the first after a Requested for Continued Examination (RCE). The Examiner cites MPEP § 706.07(b) as justification for making the Office Action final. Applicants submit that while MPEP § 706.07(b) allows making a first Office Action in a continuing application final under some circumstances, MPEP § 706.07(b) includes the following statement:

> However, it would not be proper to make final a first Office action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that required further consideration and/or search, or (B) the issue of new matter was raised.

The Applicants note that in an Advisory Action dated August 4, 2006 issued after a final rejection, the Examiner refused entry of Applicants' amendment as "raising new issues that would require further consideration and/or search. Accordingly, Applicants submit that the September 21, 2006 Office Action entering the amendment has been improperly made final and respectfully request that the finality of the Office Action be withdrawn.

The rejection of claims 1, 6, 9-11 and 15-19 under 35 U.S.C. § 102(e) as being anticipated by Miyazaki and the rejection of claims 2-5 and 7-8, and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Miyazaki are respectfully traversed and reconsideration is requested. Applicants submit that Miyazaki does not teach, disclose, or suggest each and every claimed element.

Claims 1, 6, 9-11 and 15-19 each recites a method of fabricating a liquid crystal display device having a combination of features including "wherein said forming a liquid crystal layer comprises dispensing liquid crystal on one of the first and second substrates prior to bonding the bonding the first and second substrates to each other."

Applicants respectfully submit that Miyazaki does not disclose the above-identified feature of the claims. For example Miyazaki explicitly states at column 8, lines 42-48:

> Then, the sealing materiel 37 is hardened by heating, and those orientation films are bonded. Next, an empty cell is placed in vacuum, and the liquid crystal 40 is allowed to permeate by gradually setting the vacuum state back to an atmospheric pressure in a state where the filling portion is filled with the liquid crystal material.

Applicants submit that Miyazaki discloses allowing the liquid crystal layer to permeate between the substrates after the substrates are bonding to form an "empty cell" and does not disclose "dispensing liquid crystal on one of the first and second substrates prior to bonding the bonding the first and second substrates to each other" as recited in claims 1, 6, 9-11 and 15-19. Accordingly, Applicants respectfully submit that claims 1, 6, 9-11 and 15-19 are not anticipated by Miyazaki.

With respect to claims 2-5, 7, 8, and 12-14, Applicants note that each of these claims depends from claim 1 and includes by reference all of the elements of claim 1.

Applicants submit that none of the remarks made by the Examiner in rejecting claims 2-5, 7, 8, and 12-14 in the Office Action cure the deficiencies in the disclosure of Miyazaki regarding "wherein said forming a liquid crystal layer comprises dispensing liquid crystal on one of the first and second substrates prior to bonding the bonding the first and second substrates to each other" as recited in claim 1. Accordingly, Applicants submit that claim 1 and claims 2-5, 7, 8, and 12-14 depending from claim 1 are each allowable over Miyazaki.

Applicants believe the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: December 21, 2006 By _____

George G. Ballas
Registration No. 52,587
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicants